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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,396	09/05/2003	Michael Maschke	P03,0321	8533
7590 02/05/2008 SCHIFF HARDIN & WAITE Patent Department 6600 Sears Tower 233 South Wacker Drive Chicago, IL 60606			EXAMINER SALL, EL HADJI MALICK	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 02/05/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/656,396

Applicant(s)

MASCHKE ET AL.

Examiner

El Hadji M. Sall

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on November 19, 2007. Claims 1-10 are pending. Claims 1-10 represent method for network-based realization of a project proposal as a project.

2. ***Claim Rejections - 35 USC § 102***

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being unpatentable by Gundewar et al. U.S. 6,381,610.

Gundewar teaches the invention as claimed including system and method for implementing project procedure (see abstract).

As to claims 1 and 2, Gundewar teaches a method for a network-supported realization of a project based on a project proposal for the realization of which a sequence of successive work steps to be implemented is provided, comprising:

providing a first electronic page that can be loaded from a first computer with a second computer via an information transfer network, the first electronic page comprising a field in which a project proposal can be entered with the second computer (column 1, lines 58-65),

automatically creating an electronic file comprising the project proposal (column 7, lines 33-43);

registering the project proposal in the field (column 2, lines 21-24);

automatically producing a first electronic message about the electronic file (column 7, lines 33-37);

automatically transmitting the first electronic message to a first person (column 7, lines 37-43);

assigning the electronic file to a second person from a first group of people  
(column 7, lines 44-66);

automatically producing a second electronic message about the electronic file  
(column 7, lines 33-37);

automatically transmitting the second electronic message to the second person  
(column 7, lines 37-43);

automatically producing a further electronic message about the electronic file  
(column 7, lines 33-37); and

automatically transmitting the further electronic message to a further person or a  
further group of people that should implement a sequence work step following a  
preceding implemented work step (column 7, lines 37-43).

As to claims 3 and 4, Gundewar teaches the method according to claims 1 and 2,  
further comprising: augmenting the electronic file during at least one of the work steps  
(column 2, lines 11-24).

As to claims 5 and 6, Gundewar teaches the method according to claims 1 and 2,  
further comprising: summarizing the work steps to be implemented of the sequence of  
work steps to be implemented on a second electronic page (column 6, lines 32-47).

As to claims 7 and 8, Gundewar teaches the method according to claims 5 and 6, wherein the second electronic page comprises a piece of information about the current work step to be implemented (column 8, line 61 to column 9, line 3).

As to claims 9 and 10, Gundewar teaches the method according to claims 1 and 2, further comprising: preparing at least a third electronic page that comprises an instruction for at least one work step of the sequence of work steps (column 3, lines 38-53).

#### **4. *Response to Arguments***

Applicant's arguments filed 11/19/07 have been fully considered but they are not persuasive.

(A) In regards to claims 1 and 2, Applicants argue that Gundewar fails to teach the step element of providing a first electronic page comprising a field in which a project proposal can be entered with the second computer.

In regards to point (A), examiner respectfully disagrees.

In column 1, lines 58-65, Gundewar discloses the method further comprises displaying a procedure data sheet at the client in response to the selected procedure identifier, the procedure data sheet including a list of procedure steps for the selected procedure identifier and at least one of the listed procedure steps including a template

identifier. The method also comprises communicating the template identifier selected by the user from the client to the server and displaying a template at the client in response to the selected template identifier, the template including data fields for completion by the user. The method further comprises communicating the template (i.e. "electronic page") having completed data fields from the client to the server and updating a project workspace with the completed template (i.e. "a field in which a project proposal can be entered with the second computer").

(B) Regarding claims 9 and 10, Applicants argue that Gundewar fails to teach the step of preparing at least a third electronic page that comprises an instruction for at least one work step of the sequence of work steps, but rather identifies modules that contain status pages and program instructions.

In regards to point (B), examiner respectfully disagrees.

Column 3, lines 38-43, Gundewar discloses system 10 including a project workspace 40, associated with a particular project, that is resident within the memory of server 12, client 14, or other server or network device accessible by client 14 over link 30 or another suitable communications link. Project workspace 20 includes modules such as status page 42, personnel list 44, and deliverables library 46...and processing components to execute program instructions (i.e. "preparing at least a third electronic page that comprises an instruction for at least one work step of the sequence of work steps "). Furthermore, in figure 4, steps 200-230, Gundewar discloses completing template (i.e. "electronic page"), submitting template,

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initiating template resultant actions, updating project status, and updating deliverables.

Examiner construes template as "a third electronic page", which is completed or  
"prepared", submitted, and resultant actions initiated.



**5. Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure

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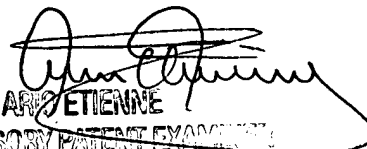
relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER

